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Robyn O'Neill
Robyn O'Neill

Date: 5/21/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/756,428 Examiner: Bray, W. Donald
Filing Date: January 8, 2001 Art Unit: 3725
Inventor: Johansson, Ola M. Atty. Docket No. 1174.064
Assignee: J & L Fiber Services, Inc.
Invention: *Deflection Compensating Refiner Plate Segment and Method*

RESPONSE TO RESTRICTION REQUIREMENT
Commissioner of Patents
Alexandria, VA 22313-1450

Sir:

In the Office Action mailed April 21, 2003, the Examiner required restriction between claims 1-43, which are drawn to a rotary disk refiner and plate segment (GROUP I) and claims 44-64 (GROUP II), which are drawn to a method of making a refiner plate segment.

I. Election With Traverse

Applicant provisionally elects claims 1-43 of Group I, with traverse.

Applicant respectfully asserts the restriction requirement is traversed because the claimed method cannot be used to make any other and materially different product other than a refiner plate or segment thereof. More particularly, independent method claim 44 is limited in its preamble to "a method of making a deflection compensating refiner plate," recites in step (a) the refiner plate having "a refining surface ... [defined] by a plurality of upraised and spaced apart refiner bars ..." and recites in step (b) "determining where the refining surface of the refiner plate segment deflects" when subjected to a real or simulated rotational speed of 1500 revolutions per minute, and recites in step (c) offsets the refining surface where it has been determined that deflection occurs. These claimed steps are specifically directed to the manufacture of the required features of a refiner plate, features which are not present in and that would be adverse to the effectiveness of other types of tooling. Therefore, from the plain

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language recited in independent method claim 44, this claimed method is limited to the field of refiner plate making and thereby does not encompass any method of making "various tools capable of utilizing a measuring/testing/machining protocol, as for example, a milling or grinding tool" as contended by Examiner.

Indeed, applicant asserts that methods of making milling or grinding tools are non-analogous to applicant's claimed method because methods of making such other types of tooling 1) are not in the same field of endeavor as the claimed invention, and 2) are not reasonably pertinent to the particular problem with which the applicant is involved. Methods of making milling and grinding tooling are far removed from refiner plate making because methods of making milling and grinding tooling are directed to produce a tool that removes material, not fibrillate as refiner plate making methods must accomplish. In addition, refiner plate making methods are directed to produce plates with specific features and/or components that enable them to operate in rather extreme environments where steam, high temperature water, and debris are commonplace while having to fibrillate pulp in the water.

II. Conclusion

In light of the foregoing, withdrawal of the restriction requirement and consideration of all of the claims is believed to be in order, and such action is respectfully requested. Should the Examiner have any remaining questions which when answered would expedite such action, he is invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,



David D. Stein
Reg. No. 40,828

Dated: May 21, 2003



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